

Remarks/Arguments:

The above Amendments and these Remarks are in reply to the Office Action mailed May 11, 2004.

New claims 21-38 parallel original claims 1-9, 11-13 and 15-20 prior to the present amendments, respectively, except that the diffuser consists essentially of the single surface that receives incident radiation from the source.

Amended claim 1 includes the limitation of canceled claim 6 and amended claim 11 includes the limitation of cancel claim 17.

Claims 1-9 and 18 were objected to because of various informalities. These claims have been amended in view of the Examiner's Remarks.

Claims 1-6, 11-13 and 15-17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 –29 of co-pending application number US Patent Publication No. 2003/0227657. Applicant submits that the provisional rejection is not warranted, however, if necessary, Applicant will address this issue once the claims are allowed over the cited art.

Claims 1 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al. (US Patent No. 6,081,381) in view of Jannson et al. (US Patent No. 5,365,354) and Stanton (US Patent No. 5,684,566). This basis for rejection is moot in view of the amendments to independent claims 1 and 11 wherein the holographic diffuser is a blazed phase device.

Claims 2-3, and 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al in view of Jannson et al. and Stanton as applied to claims 1 and 11 above, and further in view of Bos (US Patent No. 5,825,448). This basis for rejection is moot in view of the amendments to independent claims 1 and 11 wherein the holographic diffuser is a blazed phase device.

Claims 8-9, and 19-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al. in view of Jannson et al. and Stanton as applied to claims 1 and 11 above, and further in view of Makabe et al. (US Patent No. 4,845,551). This basis for rejection is moot in view of the amendments to independent claims 1 and 11 wherein the holographic diffuser is a blazed phase device.

Claims 4-5, and 15-16 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Shalapenok et al. in view of Jannson et al. and Stanton as applied to claims 1 and 11 above, and further in view of Kathman et al. (US Patent No. 6,118,559). This basis for rejection is moot in view of the amendments to independent claims 1 and 11 wherein the holographic diffuser is a blazed phase device.

Claims 6-7, and 17-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shalapenok et al. in view of Jannson et al. and Stanton as applied to claims 1 and 11 above, and further in view of Hamano et al. (U.S. Patent Publication Application No. 2002/0001109 A1).

Applicant submits that Hamano does not teach the art as suggested by the Examiner and would not have been obvious to combine the teachings thereof with those of the other cited art. Nevertheless to facilitate prosecution of this case, a declaration under 37 C.F.R. §1.131 is being filed herewith. Specific dates in the documents attached with the declaration have been removed as permitted by MPEP.

With respect to new claims 21-38, Applicant submits that Shalapenok et al. is not applicable because the claimed illuminator does not require a microlens array. In contrast, the reference teaches reducing coherence by using a rotating microlens array having a rotational speed chosen with reference to parameters of the coherent light source. (See Col. 3 lines 10-25.)

Moreover, the second embodiment of device for reducing spatial coherence as illustrated in Figure 3 of Shalapenok et al. uses a stationary diffuser 114. (See Col. 7 line 56.) In contrast,

Application No.: 09/981,500
Amendment/Response dated: 6/15/2004
Reply to OA dated: May 11, 2004

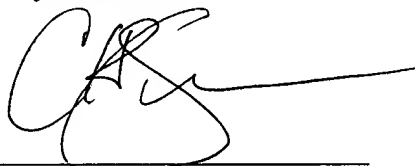
the claimed invention uses a single holographic diffuser that consists essentially of a single surface that receives incident radiation from the source and wherein the surface is not rotated.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: June 15, 2004

By: 
Charles H. Jew
Reg. No. 34,192

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800